UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

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Civil No. 08-400 (RHK/JJK)

Plaintiff,

ORDER OF DISMISSAL WITH PREJUDICE

VS.

Sun Life Assurance Company of Canada,

Defendant.

Pursuant to the parties' Stipulation (Doc. No. 22), IT IS ORDERED that this matter is

DISMISSED WITH PREJUDICE. Each party shall bear its own attorney's fees and costs.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 12, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge